

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ALFONSO HERNANDEZ,

Plaintiff,

v.

NO. CIV-14-964 KG/SCY

ANDY FITZGERALD,

Defendant.

**DEFENDANT’S SUPPLEMENTATION TO OBJECTION TO PLAINTIFF’S
UNTIMELY AMENDED DEPOSITION DESIGNATION AS REQUIRED BY ORDER
REGARDING DEFENDANT’S OBJECTION
TO PLAINTIFF’S AMENDED DEPOSITION DESIGNATIONS [DOCUMENT NO. 268]¹**

COMES NOW, Defendant Andy Fitzgerald, by and through his attorneys of record, the Law Office of Jonlyn M. Martinez, LLC, and hereby submits Defendant’s Supplementation To Objection To Plaintiff’s Untimely Amended Deposition Designation As Required By Order Regarding Defendant’s Objection To Plaintiff’s Amended Deposition Designations.

The Plaintiff omitted the following portions of the transcript that this Court admitted as impeachment evidence in his deposition designation [Document No. 266-2]:²

¹ If Defendant believes Plaintiff has added designations excluded by the Court or withdrawn designations admitted by the Court, then Defendant should specifically set out those portions for the Court’s review by 5 pm today, May 23, 2019. [Document No. 268]

² The Plaintiff failed to indicate that these portions were omitted in his response to Defendant’s Objections [Document No. 269]. Instead, the Plaintiff states “Plaintiff’s Amended Designation does not contain modified or additional designations upon which this Court has not ruled.” *Id.*, at p. 1.

Michael Herrick Transcript of November 12, 2018: 50:22-52:19, 54:7-55:8, 56:2-25, 58:3-58:16, 78:3-21, 79:19-80:3, 82:23-83:9, 84:1-7, 87:14-21, 88:3-12, 106:7-14, and 118:12-119:2.

Respectfully submitted,

THE LAW OFFICE OF JONLYN M. MARTINEZ, LLC

By: /s/ Electronically Submitted
JONLYN M. MARTINEZ
Attorneys for Defendant Fitzgerald
Post Office Box 1805
Albuquerque, New Mexico 87103
(505) 247-9488

I hereby certify that a copy of the foregoing
was served to counsel of record on
May 23, 2019 via CM/ECF:

/s/ Jonlyn M. Martinez